COOLE PET.OP Documer Description: Petition for Review by the Office of Petitions Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE MAR 2 9 2010 under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. Docket Number (Optional) PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) SUNMP340 First named inventor: Alexei Volkov Art Unit: 2191 Application No.: 10/637,132 Examiner: Anil Khatri Filed: August 8, 2003 Title: METHOD AND APPARATUS FOR TRANSFERRING DATA IN A DISTRIBUTED TESTING SYSTEM Attention: Office of Petitions **Mail Stop Petition** Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 FAX (571) 273-8300 NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained. APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION NOTE: A grantable petition requires the following items: (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and (4) Statement that the entire delay was unintentional 1. Petition Fee Small entity-fee \$_____(37 CFR 1.17(m)). Application claims small entity status. See 37 CFR 1.27. Other than small entity-fee \$ $\underline{1,620.00}$ ____ (37 CFR 1.17(m)) 2. Reply and/or fee The reply and/or fee to the above-noted Office action in the form of Amendment to Office Action of 3-16-06 (identify type of reply): has been filed previously on February 16, 2007 is enclosed herewith. The issue fee and publication fee (if applicable) of \$______. В. has been paid previously on _____ is enclosed herewith. [Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Panerwork Reduction Act of 1995, no persons are required to	PTO/SB/64 (07-09) Approved for use through 07/31/2012. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE respond to a collection of information unless it displays a valid OMB control number
Terminal disclaimer with disclaimer fee	roopera to a concess. Comment of the
Since this utility/plant application was filed on or after Ju	ne 8, 1995, no terminal disclaimer is required.
A terminal disclaimer (and disclaimer fee (37 CFR 1.20) other than a small entity) disclaiming the required period	d)) of \$for a small entity or \$ for d of time is enclosed herewith (see PTO/SB/63).
4. STATEMENT: The entire delay in filing the required reply frograntable petition under 37 CFR 1.137(b) was unintentional. [NO require additional information if there is a question as to whether under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), substitutional formation in the property of the pr	OTE: The United States Patent and Trademark Office may reither the abandonment or the delay in filing a petition
WARNII	NG:
Petitioner/applicant is cautioned to avoid submitting personal information to identity theft. Personal information such as social security numbers, check or credit card authorization form PTO-2038 submitted for paymer petition or an application. If this type of personal information is included should consider redacting such personal information from the document advised that the record of a patent application is available to the public request in compliance with 37 CFR 1.213(a) is made in the application abandoned application may also be available to the public if the application (see 37 CFR 1.14). Checks and credit parts authorization forms PTO-2 application file and therefore are not publicly available.	bank account numbers, or credit card numbers (other than a nt purposes) is never required by the USPTO to support a d in documents submitted to the USPTO, petitioners/applicants after publication of the application (unless a non-publication or issuance of a patent. Furthermore, the record from an ation is referenced in a published application or an issued patent
	March 24, 2010
Signature	Date
Albert S. Penilla, Sq.	39,487
Type or Printed name 710 Lakeway Drive, Suite 200	Registration Number, If applicable (408) 774-6903
Address	Telephone Number
Sunnyvale, CA 94085 Address	
Enclosures: Fee Payment	
Reply	
Terminal Disclaimer Form	
Additional sheets containing statements	s establishing unintentional delay
Other: Copy of Petition Under 1.181 file	ed Nov. 10, 2009
CERTIFICATE OF MAILING OR TE I hereby certify that this correspondence is being: Deposited with the United States Postal Service first class mail in an envelope addressed to: Ma 1450, Alexandria, VA 22313-1450.	RANSMISSION [37 CFR 1.8(a)] on the date shown below with sufficient postage as il Stop Petition, Commissioner for Patents, P. O. Box
Transmitted by facsimile on the date shown belong at (571) 273-8300. March 24, 2010 Date	ow to the United States Patent and Trademark Office A January Signature
Kay Harlo	bw
Typed	or printed name of person signing certificate

PATENT POSTCARD - Customer No. 32291

Docket No. SUNI	MP340	Appln. No.: 10/637	7,132	Date:	Nov. 10, 2009
By: ASP:kh	Filing Date:	August 8, 2003	Express Mail N	o.:	
Inventor(s): Alexei Volkov					
Title: METHOD AND APPARATUS FOR TRANSFERRING DATA IN A DISTRIBUTRED TESTING SYSTEM					

The following has been received in the U.S. Patent & Trademark Office on the date stamped below:

- Petition Under 1.181 (2 pages)
- Copy of Amendment as filed 2-16-07 (Exhibit 1, 14 pages)
- Copy of Return Postcard, with USPTO stamp dated 2-21-07 (Exhibit 2, 1 page)
- Copy of Check No. 17844, dated 2-16-07 for \$120.00 (Exhibit 3, 1 page)
- Copy of Reverse side of Check No. 17844 with USPTO stamp dated 2-23-07 (Exhibit 4, 1 page)

MPG, LLP
NOV 1 1 2009
DOCKETED-ATTY

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Volkov, Alexei

Application No: 10/637,132

Filed: August 8, 2003

For: METHOD AND APPARATUS FOR TRANSFERRING DATA IN A DISTRIBUTED TESTING SYSTEM Group Art Unit: 2191

Examiner: Khatri, Anil

Atty. Docket No: SUNMP340

Date: November 10, 2009

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on

November 10, 2009. Signed:

Kay/Harlow

PETITION UNDER 1.181

Mail Stop: Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

A Notice of Abandonment (Notice) was mailed to the undersigned on July 16, 2007. The Notice was not received by the undersigned, and the undersigned recently became aware of its abandoned status when the Assignee inquired into the status. Upon downloading the Notice from PAIR, the undersigned noticed that the reason given by the Examiner for abandonment was that the Applicant failed to reply to the action of Oct. 16, 2006.

The Examiner's reason for abandonment is incorrect.

- Attached is a reply to the Oct. 16, 2006 office action was filed on February 16, 2007 (*Exhibit 1*).
- Attached is a copy of the Post Card, having the USPTO stamp dated February 21, 2007 (*Exhibit 2*).
- Attached is a copy of check number 17844, for a 1 month extension dated February 16, 2007 (Exhibit 3)
- Attached is the reverse side of check number 17844, with the USPTO endorsement stamp, dated February 23, 2007 (Exhibit 4).

The Notice also included a notation, under reasons, "Approved by Key Harllow on 6/18/07". Correct spelling is "Kay Harlow". The Notice is unclear as to what was approved. Our records show that a response was filed to the action of Oct. 16, 2006. The only thing that could have been approved is an indication that a response was indeed filed on February 16, 2007.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus any extensions of time actually obtained.

Applicant hereby submits that <u>a response was filed</u> for the action of Oct. 16, 2006.

Accordingly, the petitions Examiner is respectfully requested to <u>remove this case from abandonment status and return the case to the Examiner</u> for action on the response filed on February 16, 2007.

No fee is believed due for filing this Petition. If any fees are deemed necessary, the Offices is authorized to charge Deposit Account No. 50-0805, (Order No. <u>SUNMP340</u>).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP

Albert S. Penilla, Esq. Registration No. 39,487

710 Lakeway Drive, Suite 200 Sunnyvale, CA 94085 Telephone: (408) 774-6903 Customer Number 33291

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Volkov, Alexei

Application No: 10/448,614

Filed: August 8, 2003

For: METHOD AND APPARATUS FOR TRANSFERRING DATA IN A DISTRIBUTED TESTING SYSTEM Group Art Unit: 2191

Examiner: Khatri, Anil

Atty. Docket No: SUNMP340

Date: February 16, 2007

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail to: Commissioner for Patents/P/O. Plox 1450, Alexandria, VA 22313-1450 on February 16, 2007.

Signed:

Mail Stop: Amendment Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith is an Amendment in the above-identified application.

The fee has been calculated as shown below. Claims

TOTAL	Remaining After Amendment	Highest Previously <u>Paid For</u>	Present Extra	SMALL ENTITY RATE FEE	OR	LARGE ENTITY RATE FEE
CLAIMS INDEP	_29		_00	X25 = \$	OR	X50 =
CLAIMS		03	00	X100 = \$	OR	X200 = \$
[] Multiple and Fee No	Dependent Claim of Previously Paid	Present		\$180		\$360
	·		TOTAL	\$		· ·

Ø Applicant(s) hereby petition for a one month(s) extension of time to respond to the outstanding Office Action.

Applicant(s) believe that no (additional) Extension of Time is required; however, if it is determined that such an extension is required, Applicant(s) hereby petition that such an extension be granted and authorize the Commissioner to charge the required fees for an Extension of Time under 37 CFR 1.136 to Deposit Account No. 50-0805.

 \boxtimes Enclosed is our Check No. 17844 in the amount of \$120.00 to cover the additional claim fee and/or

extension of time fees.

冈 If the required fees are missing or any additional fees are required to facilitate filing the enclosed response, please charge such fees or credit any overpayment to Deposit Account No. 50-0805 (Order No. SUNMP340). A copy of this sheet is enclosed.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

Konrad K. Chan, Esq. Registration No. 57,857

710 Lakeway Drive, Suite 200 Sunnyvale, CA 94085 Telephone: (408) 774-6903 **Customer Number 33291**

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450 on Pebruary 16, 2007.

PATENT

Signed:

<u>AMENDMENT</u>

Honorable Commissioner for Patents Alexandria VA 22313-1450

Dear Sir:

This paper is submitted on February 16, 2007 with a <u>one-month extension</u> in response to the Office Action dated October 16, 2006. Please enter this amendment and remarks.

Amendments to the claims are reflected in the listing of claims, which begin on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system, the distributed testing system including a main server component system and at least two client component systems, comprising:

generating at least one data object as a result of testing the software product, the data object to be locally stored in a first location of a first memory of the first client component system;

registering the first location with the main server component system [[and]]

requesting the data object from the first memory of the first client component system

for the second client component system through the main server component, the second client

component requesting the data object if the data object is needed to continue further testing of
the software product using the second client component system;

transferring the data object from the first memory of the first client component system to a second memory of the second client component system; the transferring being in response to the second client component system requesting the data object from the first client component system through the main server component system and

using the data object to continue testing of the software product on the second client component system.

2. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the registering the first

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location further comprising, storing the first location in a shared object table of the main server component system.

- 3. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, further comprising, registering the first location with the first client component system.
- 4. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 3, wherein the registering the first location further comprising, storing the first location in a client table of the first client component system.
- 5. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the registering the first location with the main server component system is defined by one of a put function and a putb function.
- 6. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the data object is defined by one of a resulting test data generated after executing a portion of a test at the first client component system, an identification key, a dynamically generated Java class, a configuration file, a property file, and an initial test data transmitted by the main server component system to each of the first and second client component systems to initialize the test.
- 7. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 6, wherein the identification key is Attorney Docket No. SUNMP340 3

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used in a secured protocol to establish a secured communication between the main server component system and each of the first and second client component systems.

- 8. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the each of the first and second memory is defined by one of a random-access memory (RAM), a dynamic RAM (DRAM), and a static RAM (SRAM).
- 9. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the first location is a memory address of the first memory.
- 10. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, wherein the second client component system requesting the data object from the first client component system is defined by one of a get function and a getb function.
- 11. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 1, further comprising, executing a distributed test harness on the main server component system; and executing a client harness on each of the first and second client component systems.
- 12. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system, the distributed testing system including a main server component system and at least two client component systems, comprising:

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 Reply to Office action of October 16, 2006

executing a portion of a <u>software product</u> test at a first client component system, the executing generating at least one data object <u>associated with the software product test</u> to be locally stored in a first location of a first memory of the first client component system;

registering the first location with the main server component system; [[and]]

transferring the data object from the first memory of the first client component system to a second memory of the second client component system; the transferring being in response to the second client component system requesting the data object from the first client component system through the main server component system; and

executing another portion of the software product test at the second client component system using the data object from the first client component system.

13. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 12, wherein the registering the first location further comprising,

storing the first location in a shared object table of the main server component system.

14. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 12, further comprising, registering the first location with the first client component system.

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15. (Currently amended) A computer-implemented method for testing a software product in a distributed testing system as recited in claim 14, wherein the registering the first location further comprising,

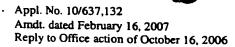
storing the first location in a client table of the first client component system.

- 16. (Currently amended) A computer-implemented method for testing a software product in a distributed testing system as recited in claim 12, wherein the registering the first location with the main server component system is defined by one of a put function and a putb function.
- 17. (Currently amended) A computer-implemented method for testing a software product in a distributed testing system as recited in claim 12, wherein the each of the first and second memory is defined by one of a random-access memory (RAM), a dynamic RAM (DRAM), and a static RAM (SRAM).
- 18. (Currently amended) A computer-implemented method for testing a software product in a distributed testing system as recited in claim 12, wherein the first location is a memory address of the first memory.
- 19. (Currently amended) A computer-implemented method for testing a software product in a distributed testing system as recited in claim 12, wherein the second client component system requesting the data object from the first client component system is defined by one of a get function and a getb function.

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- 20. (Currently amended) A <u>computer-implemented</u> method for testing a software product in a distributed testing system as recited in claim 12, further comprising, executing a distributed test harness on the main server component system; and executing a client harness on each of the first and second client component systems.
- 21. (Currently amended) A system for testing a software product in a distributed testing system, comprising:
- a main server component system that manages testing of the software product on client component systems;
- a first client component system, the first client component system being in communication with the main server component system to test the software product;
- a data object located in a memory of the first client component system, the data object a result of the software product test conducted by the first client component system;
- a second client component system, the second client component system being in communication with the main server component system to test the software product; and

wherein the main server component system facilitates communication between each of the first and second client component systems, and wherein a location of the data object is registered with the main server component system for use in transferring the data object from the first client component system to the second client component system if the second client component needs the data object to further test the software product.



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22. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, further comprising,

a distributed test harness executed on the main server component system;

a first client harness executed on the first client component system; and

a second client harness executed on the second client component system.

23. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, wherein the main server component system includes a shared object table for storing the location of the data object.

24. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, wherein the first client component system includes a client table for storing the location of the data object.

25. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, further comprising a data transfer monitor facility coupled to the main server component system.

26. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, wherein the data object is defined by one of a resulting test data generated after executing a portion of a test at the first client component system, an identification key, a dynamically generated Java class, a configuration file, a property file,

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and an initial test data transmitted by the main server component system to each of the first and second client component systems to initialize the test.

- 27. (Original) A system for testing a software product in a distributed testing system as recited in claim 26, wherein the identification key is used in a secured protocol to establish a secured communication between the main server component system and each of the first and second client component systems.
- 28. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, wherein the memory is defined by one of a random-access memory (RAM), a dynamic RAM (DRAM), and a static RAM (SRAM).
- 29. (Original) A system for testing a software product in a distributed testing system as recited in claim 21, wherein the location is a memory address of the memory.

REMARKS

Rejection under 35 U.S.C. § 112:

The Office has rejected claims 1-29 under 35 U.S.C § 112 second paragraph as being incomplete for omitting essential steps. This rejection is traversed and overcome after entry of the included amendments to the Claims. Claims 1-29 have been amended to include testing steps and Applicant respectfully requests that the Office remove the 35 U.S.C § 112 rejection.

Rejection under 35 U.S.C. § 101:

The Office has rejected claims 1-29 under 35 U.S.C. § 101 because they disclose a claimed invention that is an abstract idea as defined in the case *In re Warmderdam*. Independent claims 1 and 21 have been amended to include language further describing testing processes and steps. Applicant believes that independent claim 12 contained the requisite language to disclose a testing process, however, claim 12 has been amended to further clarify the testing process and steps. Additionally, independent claims 1 and 12 have been amended to include language clarifying that they are "computer implemented" methods. After entry of the included amendments, Applicant respectfully requests removal of the rejection under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 102(e):

The Office has rejected claims 1-33 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,058,857 to Dallin (hereinafter "Dallin"). This rejection is traversed for at least the following reason.

Dallin fails to teach all elements of Applicant's claimed invention. Dallin teaches using a single computer to generate a test script file using a type template and an output template with data stored in a table. The Office asserts that the teachings of Dallin found in

Column 4, Lines 40-45 are analogous to Applicant's claimed "registering the first location with the same server component system". However, the cited portion of Dallin fails to teach using more than one computer. The cited portion of Dallin teaches the process system using a type template, an output template, and a table having test data to generate a test script file. Note that the cited portions of Dallin are limited to actions occurring on one computer as shown in Figure 1. Applicant's claimed invention is different than what is taught in Dallin as Applicant's claim a main server component and at least two client component systems. If the Office wishes to maintain the rejection based on Dallin, Applicant respectfully requests and explanation regarding how the one computer taught by Dallin can be used as Applicant's claimed main server component system and at least two client component systems.

Applicant also asserts that the teachings of Dallin found in Column 11, Lines 20-46 are not analogous to the respective portions of Applicant's claimed invention as asserted by the Office. While Dallin mentions that the automation tool could exist outside of the computer and communicate with the computer system via a network, as shown in Figure 5 of Dallin, the automation tool is a component of the memory of a single computer system 110. Even assuming accessing the automation tool via a network can be analogous to Applicant's second client system, Dallin fails to teach the first client system and main server component as argued above. As Dallin fails to teach all aspects of Applicant's claimed invention, Applicant respectfully requests the removal of the rejection under 35 U.S.C. § 102(e) based on Dallin.

Rejection under 35 U.S.C. § 103(a):

The Office rejected claims 6 and 26 under 35 U.S.C. § 103(a) as being unpatentable over Dallin taken with U.S. Patent No. 6,993,748 to Schaefer. As argued above, Dallin fails to teach all elements of Applicant's claimed invention. The Office relies on Schaefer to teach a dynamically generated Java class, a configuration file and a property file. Schaefer remains

Appl. No. 10/637,132 Amdt. dated February 16, 2007 Reply to Office action of October 16, 2006

silent regarding a main server component system and at least two client component systems and thus fails to cure the previously discussed deficiencies of Dallin. Applicant therefore respectfully requests the removal of the rejection under 35 U.S.C. § 103(a) based on Dallin and Schaefer.

In view of the foregoing, reconsideration is respectfully requested. If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. SUNMP340). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,

MARTINE PENILLA & GENCARELLA, LLP

Konrad K. Chan, Esq.

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Docket No. SUNMP340 Appln. No.:	10/637,132 Date Feb. 16 2007
By: KC:kh Filing Date: August 8,	2003 Express Mail No.: Feb. 16, 2007
Inventor(s): Alexei Volkov	2005
Title: METHOD AND APPARATUS I DISTRIBUTRED TESTING SYS	FOR TRANSFERRING DATA IN A
The following has been received in the the date stamped below:	U.S Patent & Trademark Office on
- Amendment Transmittal Sheet - Amendment (12 pages) - Check No. 17844 for \$120.00	(1 page, in duplicate) FEB 2 1 2007

MARTINE PENILLA & GENCARELLA, LLP 04-01
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